

Application No. 09/989,289
Amendment dated May 31, 2007

Docket No.: 4799-0223PUS1

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 45-48, 57-60, 68-70, 75-79, 94-96, 98, 100-105, 114-115 and 139-158 are now pending in the present application. Claims 45 and 57 are independent. Claims 35, 42-44, 49-53, 113, 128-138 have been canceled by this Amendment. Claims 45, 57, 79, 105, 114 and 115 have been amended. Dependent claims 139-158 have been added.

Presently 2 independent claims and 48 total claims are pending. Applicants previously paid for 12 independent claims and 78 total claims (see the transmittal of the Amendment filed July 12, 2006). Therefore, no excess claim fees are due.

Reconsideration of this application, as amended, is respectfully requested.

Telephone Interview

Applicants thank the Examiner for the courtesies extended during a telephone interview on May 22, 2007. During the interview, Applicants noted that the Examiner had indicated allowance of claims 45 and 57, which related primarily to a coating composition that prevents the wire from adhering to the polymer melt used to form the polymeric tube, and a method of tearing a wire of first and second toneable conduits through the exterior surfaces of the first and second toneable conduits, mechanically connecting the first conduit and second conduit, and electrically connecting the wire from the first toneable conduit and the wire from the second toneable conduit, in the respective combinations as claimed.

Applicants expressed a willingness to accept the allowable subject matter pending the removal of the reference to a "stabilizing rib" in allowable claims 45 (via base claim 35) and

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allowable claim 57. Applicants noted that the Examiner made no mention any stabilizing rib in his Reasons for Allowance of claims 45 and 57 in paragraph 3 of the last Office Action. The Examiner stated that he would entertain Applicants proposal if submitted in a formal Amendment but would not guarantee acceptance of the proposal without studying the situation.

Based upon the interview, Applicants submit herewith amendments to the claims which are believed to place the application into condition for allowance, as the claims follow the Examiner's recited structure in the Reasons for Allowance found in paragraph 3 of the last Office Action.

Allowable Subject Matter

In paragraph 3 of the Office Action mailed May 2, 2007, the Examiner indicated that claims 57-60 were allowed and that claims 45-48, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 129-132 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter. Claims 57-60 are still pending in the present application, with Applicants only removing the reference to a "stabilizing rib" in claim 57. Allowable claim 45 has been rewritten into independent form to include the limitations of base claim 35 (with Applicants only removing the reference to a "stabilizing rib"). The remaining claims are either directly or indirectly dependent upon allowable claim 45.

Therefore, this application should now be in condition for allowance.

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Rejection under 35 USC 103 (Sherlock-Pelzer-Bergeman)

Claims 35, 42-44, 49-53, 113, 128 and 133-138 stand rejected under 35 USC 103(a) as being unpatentable over Bergemann in view of Pelzer. This rejection is respectfully traversed.

Without acquiescing to the rejections, but to expedite examination of this application, the rejected claims have been canceled.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Terminal Disclaimer

In order to moot any potential rejection regarding double patenting, Applicants are voluntarily filing a Terminal Disclaimer in this application regarding co-pending related CIP application 11/438,654.

New Claims

New claims 139-158 have been added. Each new claim depends, either directly or indirectly, upon allowable claim 45 and should be considered allowable for this reason, as well as the additional limitations recited therein.

Conclusion

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 621-7140 in the Washington, D.C. area.

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All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 31, 2007

Respectfully submitted,

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